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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,586

10/04/2005

Bert Von Stein

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BACON & THOMAS, PLLC

625 SLATERS LANE

FOURTH FLOOR

ALEXANDRIA, VA 22314-1176

EXAMINER

TAHA, SHAQ

ART UNIT

PAPER NUMBER

2446

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/522,586	Applicant(s) VON STEIN ET AL.	
	Examiner SHAQ TAHA	Art Unit 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 8, 9, and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a Final action for application number 10/522,586 based on after a non-final filed on 01/15/2010. Claims 7, 8, 9, and 11 are currently pending and have been considered below. Claim 7 has been amended. Claim 7 is an independent claim.

Applicant's Response

Applicant's arguments with respect to claims 7 – 9 and 11 have been considered but are moot in view of the new ground(s) of rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 – 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Periman et al (US 6,023,585) in view of Sharp et al. (US 5,960,214)

Regarding claim 7, a method for updating device descriptions for different field devices, sensors or actuators for determining, and influencing process variables in process automation technology, **[automatically installing appropriate device drivers**

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for all peripheral devices connected to a host processing system over a network, (Periman et al., Col. 6, lines 65 – 67)],

whereby the field devices are connected via a field bus, **[Fig. 5, Ref # 28, wherein field devices 30 are connected via field bus 28],**

and whereby a control unit and an external server are employed, **[Fig. 5, Ref # 10, wherein the WebTV is the control unit that is connected to server 5 as shown in Fig. 4],**

comprising the step of: storing preconfigured device descriptions for the field devices on a central server connected to the data bus via the internet, **[Stored in the WebTV server 5 are the device drivers for all peripheral devices that may be used in a WebTV client system and a database including the device codes of all such peripheral devices, wherein the device drivers are the device description to be downloaded to a field device, (Periman et al., Col. 6, lines 34 – 40)],**

storing and running an application program in a control unit for servicing, configuring, parameterizing, or troubleshooting a field device, **[Operation of the client system 1 is controlled by a central processing unit (CPU) 21, which is coupled to a bus 29, wherein the central processing unit is the application program stored in the control unit which is the WebTV box 10 as shown in fig. 3, (Periman et al., Col. 3, lines 53 – 65)],**

and downloading from the central server via the internet, by the application program in the control unit, the preconfigured device description of a field device to be serviced in the case that the preconfigured version of the device description of the field

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device is not available in the control unit, **[Once the appropriate drivers are identified, in step 606 the WebTV server 5 automatically downloads these device drivers to the WebTV client 1 over the network connection 29, wherein the device description is available on the server to be downloaded to a field device as explained in fig.6, (Periman et al., Col. 6, lines 45 – 55)],**

Periman et al. fails to explicitly teach that a device description describes the functionality of the corresponding field device in a standardized language,

Sharp et al. teaches that in developing a DDL source file for a device, a developer uses the DDL language to describe core or essential parameter characteristics of the device as well as to provide group-specific, **(Sharp et al., Col. 2, lines 60 – 67)**, in order to provide a consistent communication connection between an application and multiple devices connected to the system so that no new programming is necessary to communicate with a newly added smart device, **(Sharp et al., Col. 4, lines 65 – 67)**,

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Periman et al. including that a device description describes the functionality of the corresponding field device in a standardized language, **(Sharp et al., Col. 2, lines 60 – 67)**, in order to provide a consistent communication connection between an application and multiple devices connected to the system so that no new programming is necessary to communicate with a newly added smart device, **(Sharp et al., Col. 4, lines 65 – 67)**.

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Regarding claim 8, a method as claimed in claim 7, wherein: the application program queries the external server, in regular intervals, as to whether new device descriptions are available, **[In response to a query from the WebTV box 10, each peripheral device 30 then transmits its slot number onto the bus 28 back to the WebTV box 10, (Periman et al., Col. 5, lines 45 – 50)]**.

Regarding claim 9, Periman et al. teaches automatically installing appropriate device drivers for all peripheral devices connected to a host processing system over a network, **(Periman et al., Col. 6, lines 65 – 67)**,

Periman et al. fails to explicitly teach that the device descriptions are device descriptions DDs,

Sharp et al. teaches that a DDL source file is compiled into a binary format to produce a machine-readable file known as a device description (DD) which can be provided to a user by the device manufacturer or a third-party developer to be stored in a host system, such as a management system, **(Sharp et al., Col. 3, lines 1 – 10)**, in order to provide the host with information pertaining to the smart device, **(Sharp et al., Col. 3, lines 15 – 20)**,

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Periman et al. including that the device descriptions are device descriptions DDs, **(Sharp et al., Col. 3, lines 1 – 10)**, in order to provide the host with information pertaining to the smart device, **(Sharp et al., Col. 3, lines 15 – 20)**.

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Regarding claim 11, Periman et al. teaches automatically installing appropriate device drivers for all peripheral devices connected to a host processing system over a network, **(Periman et al., Col. 6, lines 65 – 67)**,

Periman et al. fails that the device descriptions in the server are saved in respective national languages,

Sharp et al. teaches that those familiar with OLE and DDL's can create such routines in a straightforward manner using any desired programming language, **(Sharp et al., Col. 10, lines 65 – 67)**, in order to increase the operating speed of the current application, **(Sharp et al., Col. 11, lines 1 – 50)**,

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Periman et al. by including that the device descriptions in the server are saved in respective national languages, **(Sharp et al., Col. 10, lines 65 – 67)**, in order to increase the operating speed of the current application, **(Sharp et al., Col. 11, lines 1 – 50)**.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Shaq Taha** whose telephone number is 571-270-1921. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Pwu** can be reached on 571-272-6798.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/S. T./

Examiner, Art Unit 2446

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446